IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

FAO.No. 288 of 2007()

AGAINST THE ORDER DATED 18/06/2007 IN IA.NO.219/2007 IN LAR.70/2003 of SUB COURT, HOSDURG

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APPELLANT/APPLICANT/CLAIMANT

ACHIBI ALIAS AYASABI,
W/O.O.C.H.MOHAMMEDKUNHI,
PALLIKUNNIL HOUSE, NEAR JUMA MASJID,
KOTTIKULAM, PALLIKKARA II VILLAG, HOSDURG.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS: RESPONDENTS/REFERRING OFFICER AND 2ND RESPONDENT
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1. THE SPECIAL TAHSILDAR,
L.A.(RAILWAY) KASARAGODE.

2. DEPUTY CHIEF ENGINEER, (CONSTRUCTION),
SOUTHERN RAILWAY, KANNUR.

BY SC SRI. V.T.K. MOHANAN

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R. RAMAN & V. K. MOHANAN, JJ.

F.A.O. NO. 288 OF 2007

DATED THIS, THE 8TH DAY OF OCTOBER, 2007.

J U D G M E N T

Raman, J.

This is an appeal against the order in I.A. 219/2007 in L.A.R. 70/2003 on the file of the Sub Court, Hosdurg.

2. Admittedly, the appellant is not even a party in L.A.R. 70/2003. Probably, the appellant wanted to file an application in some other cases which were dismissed for default in which he is a party. But when the present application came up for consideration, the court below noticed that L.A.R. 70/2003 was disposed of as early as on 1.3.2004 and the memo of claimant was also different when compared with the records in L.A.R. 70/2003. In such circumstances, the only course open to the court below was to dismiss the application. We do not find any factual or legal error in the order passed by the court below. Hence the appeal is dismissed.

However, we make it clear that the order passed by the court below and the present order passed by us in this appeal will not in any way affect the appellant in case he files any application in the case in which he is declared as ex parte.

P.R. RAMAN,
(JUDGE)

V. K. MOHANAN,
(JUDGE)

knc/-